

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-first Legislature First Regular Session - 2011

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 4

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 37-3201, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; AMENDING SECTION 54-1705, IDAHO CODE, TO REVISE DEFINITIONS AND TO DEFINE A TERM; AMENDING SECTION 54-1729, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE REGISTRATION OF DRUG OUTLETS DOING BUSINESS IN IDAHO AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 54-1733, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTIONS 54-1761, 54-4702 AND 54-5110, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 37-3201, Idaho Code, be, and the same is hereby amended to read as follows:

37-3201. DEFINITIONS. As used in this chapter:

(1) "Code imprint" means a series of letters or numbers assigned by the manufacturer or distributor to a specific drug, or marks or monograms unique to the manufacturer or distributor of the drug, or both;

(2) "Distributor" means a person who distributes for resale a drug in solid dosage form under his own label even though he is not the actual manufacturer of the drug;

(3) "Solid dosage form" means capsules or tablets intended for oral use;

(4) "Legend drug" means any drug defined by section 54-1705(301), Idaho Code.

SECTION 2. That Section 54-1705, Idaho Code, be, and the same is hereby amended to read as follows:

54-1705. DEFINITIONS. In this chapter:

(1) "Board of pharmacy" or "board" means the Idaho state board of pharmacy.

(2) "Counseling" or "counsel" means the effective communication by the pharmacist of information as set out in this chapter, to the patient or caregiver, in order to improve therapeutic outcomes by maximizing proper use of prescription medications and devices. Specific areas of counseling shall include, but are not limited to:

(a) Name and strength and description of the medication;

(b) Route of administration, dosage, dosage form, continuity of therapy and refill information;

(c) Special directions and precautions for preparation, administration, storage and use by the patient as deemed necessary by the pharmacist;

(d) Side effects or adverse effects and interactions and therapeutic contraindications that may be encountered, including their avoidance, which may interfere with the proper use of the medication or device as was intended by the prescriber, and the action required if they occur;

(e) Techniques for self-monitoring drug therapy; and

(f) Action to be taken in the event of a missed dose.

(3) "Deliver" or "delivery" means the actual, constructive or attempted transfer of a drug or device from one (1) person to another, whether or not for a consideration.

(4) "Device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar related article including any component part or accessory which is:

(a) Recognized in the official United States Pharmacopoeia or official National Formulary, other drug compendia or any supplement to them;

(b) Intended for use in the diagnosis of disease or other conditions, or the cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Intended to affect the structure or any function of the body of man or other animal, and which does not achieve any of its principal intended purposes through chemical action within or on the body of man or other animal, and which is not dependent upon being metabolized for the achievement of any of its principal intended purposes.

(5) "Dispense" or "dispensing" means the preparation and delivery of a prescription drug pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to or use by a patient or other individual entitled to receive the prescription drug.

(6) "Distribute" means the delivery of a drug other than by administering or dispensing.

(7) "Drug" means:

(a) Articles recognized as drugs in the official United States Pharmacopoeia, official National Formulary, official Homeopathic Pharmacopoeia, other drug compendia or any supplement to any of them;

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal;

(c) Articles, other than food, intended to affect the structure or any function of the body of man or other animals; and

(d) Articles intended for use as a component of any articles specified in paragraph (a), (b) or (c) of this subsection.

(8) "Drug order" means ~~an written order, in a hospital or other health care institution, for an ultimate user of any drug or device issued and signed by a practitioner, or an order transmitted by other means of communication from a practitioner, which is immediately reduced to writing by a pharmacist, registered nurse or other licensed health care practitioner authorized by the hospital or institution. The order shall for a patient of an institutional facility, or for other purposes when permitted by board rules that contains at least the name and bed number of the patient,; date of issuance; the drug name, and strength, or size of the drug or device, unless specified by individual institution policy or guideline, the amount to be dispensed, either in quantity or days, adequate and route of administration; directions for the proper use; of the drug or device when it is administered~~

1 ~~to the patient, the name of the prescribing practitioner and, the name if~~  
 2 ~~written, the prescribing practitioner's signature or the signature of the~~  
 3 ~~prescriber practitioner's agent.~~

4 (9) ~~"Drug outlets" means all pharmacies, nursing homes, residential or~~  
 5 ~~assisted living facilities, convalescent homes, extended care facilities,~~  
 6 ~~drug abuse treatment centers, penal institutions, hospitals, family plan-~~  
 7 ~~ning clinics, retail stores, wholesalers, manufacturers and mail order ven-~~  
 8 ~~dors with and other facilities located in this state which are with employees~~  
 9 ~~or personnel engaged in the practice of pharmacy, in the provision of phar-~~  
 10 ~~maceutical care, or in the dispensing, delivery delivering, or distribution~~  
 11 ~~of distributing or manufacturing of drugs and drug manufacturers and whole-~~  
 12 ~~salers with facilities located outside the state, but doing business within~~  
 13 ~~this state and institutions, as defined in the rules of the board, engaged in~~  
 14 ~~the practice of telepharmacy across state lines or devices.~~

15 (10) "Extern" means a bona fide student enrolled in an approved college  
 16 of pharmacy who has not received his first professional degree in pharmacy.

17 (11) "Externship" means a structured practical experience program in  
 18 pharmacy, approved by the board and administered by a college of pharmacy.

19 (12) ~~"Health care Institutional facility" means a health care facility~~  
 20 ~~as defined in section 54-1601, Idaho Code for which its primary purpose is to~~  
 21 ~~provide a physical environment for patients to obtain health care services~~  
 22 ~~and in which patients spend a majority of their time, as may be further de-~~  
 23 ~~fined by board rules.~~

24 (13) "Intern" means any person who has completed a course of study at  
 25 an approved college of pharmacy, received the first professional degree in  
 26 pharmacy and is registered with the board as an intern. Interns must regis-  
 27 ter with the board prior to commencement of an internship program.

28 (14) "Internship" means a postgraduate practical experience program  
 29 under the supervision of a preceptor at a preceptor site.

30 (15) "Investigational or new drug" means any drug which is limited by  
 31 state or federal law to use under professional supervision of a practitioner  
 32 authorized by law to prescribe or administer such drug.

33 (16) "Labeling" means the process of preparing and affixing of a label  
 34 to any drug container, exclusive however, of the labeling by a manufacturer,  
 35 packer or distributor of a nonprescription drug or commercially packaged  
 36 legend drug or device. Any such label shall include all information required  
 37 by federal and state law or regulation.

38 (17) "Limited service outlet" means a facility that is subject to reg-  
 39 istration or licensure by the board, pursuant to section 54-1729(3), Idaho  
 40 Code, in that it has employees or personnel engaged in the practice of phar-  
 41 macy, in the provision of pharmaceutical care, or in the dispensing, deliv-  
 42 ering, distributing or manufacturing of drugs or devices but is not a re-  
 43 tail pharmacy, institutional facility, manufacturer, wholesaler, veteri-  
 44 nary drug outlet, telepharmacy across state lines or mail service pharmacy.

45 (18) "Manufacture" means the production, preparation, propagation,  
 46 compounding, conversion or processing of a device or a drug, either directly  
 47 or indirectly by extraction from substances of natural origin or indepen-  
 48 dently by means of chemical synthesis or by a combination of extraction and  
 49 chemical synthesis and includes any packaging or repackaging of the sub-  
 50 stance or labeling or relabeling of its container, except that this term does

1 not include the preparation or compounding of a drug by an individual for his  
2 own use or the preparation, compounding, packaging or labeling of a drug:

3 (a) By a pharmacist or practitioner as an incident to his administering  
4 or dispensing of a drug in the course of his professional practice; or

5 (b) By a practitioner or by his authorization under his supervision for  
6 the purpose of or as an incident to research, teaching or chemical anal-  
7 ysis and not for sale.

8 (189) "Manufacturer" means a person who by compounding, cultivating,  
9 harvesting, mixing or other process, produces or prepares legend drugs,  
10 and includes persons who prepare such drugs in dosage forms by mixing, com-  
11 pounding, encapsulating, entableting, or other process, or who packages or  
12 repackages such drugs, but does not include pharmacists or practitioners in  
13 the practice of their profession.

14 (1920) "Nonprescription drugs" means medicines or drugs which may be  
15 sold without a prescription and which are prepackaged for use by the consumer  
16 and labeled in accordance with the requirements of the statutes and regula-  
17 tions of this state and the federal government.

18 (201) "Person" means an individual, corporation, partnership, associa-  
19 tion or any other legal entity.

20 (212) "Pharmaceutical care" means drug therapy and other pharmaceuti-  
21 cal patient care services intended to achieve outcomes related to the cure or  
22 prevention of a disease, elimination or reduction of a patient's symptoms,  
23 or arresting or slowing of a disease process as defined in the rules of the  
24 board.

25 (223) "Pharmacist" means an individual licensed by this state to engage  
26 in the practice of pharmacy or a pharmacist licensed in another state who is  
27 registered by the board of pharmacy to engage in the practice of telepharmacy  
28 across state lines.

29 (234) "Pharmacy" means any facility, department or other place where  
30 prescriptions are filled or compounded and are sold, dispensed, offered or  
31 displayed for sale, which has, as its principal purpose, the dispensing of  
32 drug and health supplies intended for the general health, welfare and safety  
33 of the public.

34 (245) "Practice of telepharmacy" means the provision of pharmaceuti-  
35 cal care by registered or licensed pharmacies and pharmacists located within  
36 United States jurisdictions through the use of telecommunications or other  
37 technologies to patients at distances that are located within United States  
38 jurisdictions, as defined in the rules of the board.

39 (256) "Practice of telepharmacy across state lines" means the practice  
40 of telepharmacy when the patient is located within the state of Idaho and the  
41 pharmacist is located in a United States jurisdiction outside the state of  
42 Idaho, as defined in the rules of the board.

43 (267) "Practitioner" ~~shall means a physician, dentist, veterinarian,~~  
44 ~~scientific investigator or other person~~ licensed in this state and permitted  
45 by such license to dispense, conduct research with respect to or administer  
46 drugs in the course of professional practice or research in this state.

47 (278) "Precursor" means a substance, other than a legend drug which is  
48 an immediate chemical intermediate that can be processed or synthesized into  
49 a legend drug, and is used or produced primarily for use in the manufacture  
50 of a legend drug by persons other than persons licensed to manufacture such

1 legend drugs by the Idaho board of pharmacy, registered by the state board  
2 of health and welfare, or licensed to practice pharmacy by the Idaho board of  
3 pharmacy.

4 (289) "Preceptor" means a pharmacist licensed in the state and in good  
5 standing, who supervises the internship training of a registered intern.  
6 The preceptor shall be actively engaged in the practice of pharmacy on a  
7 full-time employment basis at a registered preceptor site.

8 (2930) "Preceptor site" means any training site for pharmacy interns  
9 and externs registered with the board pursuant to board rule.

10 (301) "Prescription drug or legend drug" means a drug which, under fed-  
11 eral law is required, prior to being dispensed or delivered, to be labeled  
12 with one (1) of the following statements:

- 13 (a) "Caution: Federal law prohibits dispensing without a prescrip-  
14 tion"; or
  - 15 (b) "Rx Only"; or
  - 16 (c) "Caution: Federal law restricts this drug to use by or on the order  
17 of a licensed veterinarian";
- 18 or a drug which is required by any applicable federal or state law or regula-  
19 tion to be dispensed on prescription only or is restricted to use by practi-  
20 tioners only.

21 (312) "Prescription drug order" means a lawful written or verbal order  
22 of a practitioner for a drug or device for an ultimate user of the drug or de-  
23 vice, issued and signed by a practitioner, or an order transmitted verbally  
24 from a practitioner or the practitioner's agent to a pharmacist in a phar-  
25 macy, or transmitted verbally from a practitioner and immediately reduced  
26 to writing by a licensed practical nurse or licensed professional nurse in a  
27 ~~health care~~ an institutional facility for a patient or resident of such fa-  
28 cility.

29 (323) "Prospective drug review" includes, but is not limited to, the  
30 following activities:

- 31 (a) Evaluation of the prescription or medication order for:  
32 (i) Known allergies;  
33 (ii) Rational therapy contraindications;  
34 (iii) Reasonable dose and route of administration; and  
35 (iv) Reasonable directions for use.
- 36 (b) Evaluation of the prescription or medication order for duplication  
37 of therapy.
- 38 (c) Evaluation of the prescription or medication order for interac-  
39 tions:  
40 (i) Drug-drug;  
41 (ii) Drug-food; and  
42 (iii) Drug-disease.
- 43 (d) Evaluation of the prescription or medication order for proper uti-  
44 lization:  
45 (i) Over or under utilization; and  
46 (ii) Abuse/misuse.

47 (334) "Record" means all papers, letters, memoranda, notes, prescrip-  
48 tions, drug orders, invoices, statements, patient medication charts or  
49 files, computerized records or other written indicia, documents or objects

which are used in any way in connection with the purchase, sale or handling of any drug or device.

(345) "Sale" means every sale and includes:

- (a) Manufacturing, processing, transporting, handling, packaging or any other production, preparation or repackaging;
- (b) Exposure, offer, or any other proffer;
- (c) Holding, storing or any other possession;
- (d) Dispensing, giving, delivering or any other supplying; and
- (e) Applying, administering or any other usage.

(356) "Warehouseman" means a person who stores legend drugs for others and who has no control over the disposition of such drugs except for the purpose of such storage.

(367) "Wholesaler" means a person engaged in the business of distributing legend drugs that he himself has not produced or prepared, to persons included in any of the classes named in subsection (2) (a) through (f) of section 54-1734, Idaho Code.

SECTION 3. That Section 54-1729, Idaho Code, be, and the same is hereby amended to read as follows:

54-1729. REGISTRATION AND LICENSURE OF FACILITIES. (1) All drug or device outlets doing business in or into Idaho shall annually register with or be licensed by, as applicable, the board of pharmacy.

(2) ~~(a)~~ Each drug or device outlet shall apply for a certificate of registration or a license in one (1) of the following classifications:

- ~~(ia)~~ Retail drug-outlet pharmacy;
- ~~(iib)~~ Institutional drug-outlet facility;
- ~~(iiic)~~ Manufacturing drug-outlet Manufacturer;
- ~~(ivd)~~ Wholesale drug-outlet Wholesaler;
- ~~(ve)~~ Business Veterinary drug outlet selling prescription drugs for veterinary use;
- ~~(vif)~~ Telepharmacy drug-outlet across state lines;
- (g) Mail service pharmacy;
- (h) Limited service outlet.

~~(b) No individual who is employed by a corporation which is registered under paragraphs (a) (i) through (v) of this subsection need register under the provisions of this chapter. All employees or personnel of a drug outlet registered pursuant to paragraph (a) (vi) of this subsection who are engaged in the practice of telepharmacy across state lines must be registered by the board pursuant to section 54-1723A, Idaho Code.~~

(3) The board shall establish by rule under the powers granted to it under sections 54-1718 and 54-1719, Idaho Code, the criteria which each drug outlet, that has employees or personnel engaged in the practice of pharmacy, must meet to qualify for registration or licensure in each classification designated in subsection (2) of this section. The board may issue various types of certificates with varying restrictions to such limited service outlets ~~referred to in this subsection~~ (32) where the board deems it necessary by reason of the type of drug outlet requesting a certificate.

(4) It shall be lawful for a drug outlet registered or licensed under this section to sell and distribute nonprescription drugs. Drug outlets engaging in the sale and distribution of such items shall not be deemed to be

1 improperly engaged in the practice of pharmacy. No rule will be adopted by  
 2 the board under this chapter which shall require the sale of nonprescription  
 3 drugs by a licensed pharmacist or under the supervision of a licensed phar-  
 4 macist or otherwise apply to or interfere with the sale and distribution of  
 5 such medicines.

6 (5) Drug outlets registered under subsection (2) (~~af~~) (~~vi~~) of this sec-  
 7 tion shall pay the same registration fee as those registering under subsec-  
 8 tion (2) (~~ab~~) (~~ii~~) of this section, but shall also pay the actual costs of the  
 9 out-of-state inspection of the drug outlet as may be required by the board,  
 10 including the transportation, lodging and related expenses of the board's  
 11 inspector. Nothing in this section shall preclude the board, in lieu of an  
 12 inspection by the board, from relying on an inspection of the drug outlet  
 13 conducted by the regulatory authority of the state within which the drug out-  
 14 let is located.

15 SECTION 4. That Section 54-1733, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 54-1733. VALIDITY OF PRESCRIPTION DRUG ORDERS. (1) A prescription  
 18 drug order for a legend drug is not valid unless it is issued for a legitimate  
 19 medical purpose arising from a prescriber-patient relationship which in-  
 20 cludes a documented patient evaluation adequate to establish diagnoses and  
 21 identify underlying conditions and/or contraindications to the treatment.  
 22 Treatment, including issuing a prescription drug order, based solely on an  
 23 online questionnaire or consultation outside of an ongoing clinical rela-  
 24 tionship does not constitute a legitimate medical purpose. A prescription  
 25 drug order may be issued either:

26 (a) By a practitioner acting in the usual course of his profession; or

27 (b) By a physician, dentist, veterinarian, scientific investigator or  
 28 other person, other than a pharmacist, who is licensed in a jurisdic-  
 29 tion other than the state of Idaho and is permitted by such license to  
 30 dispense, conduct research with respect to or administer the prescribed  
 31 legend drugs in the course of his professional practice or research in  
 32 such jurisdiction, so long as the individual is acting within the juris-  
 33 diction, scope and authority of his license when issuing the prescrip-  
 34 tion drug order.

35 (c) The prescription drug order may be signed and sent electronically  
 36 pursuant to chapter 50, title 28, Idaho Code.

37 (d) Transmission of prescription drug order. In addition to delivery  
 38 of the original signed written prescription drug order to a licensed  
 39 pharmacy:

40 (i) A prescription drug order that has been signed by the practi-  
 41 tioner may be received by a licensed pharmacy for dispensing pur-  
 42 poses through a facsimile transmission from the prescribing prac-  
 43 titioner or the practitioner's agent, or from ~~a health care~~ an in-  
 44 stitutional facility for a patient or resident in such facility;

45 (ii) A prescription drug order may also be received by a licensed  
 46 pharmacist verbally from the practitioner, the practitioner's  
 47 agent or from a licensed practical nurse or licensed professional  
 48 nurse in ~~a health care~~ an institutional facility for a patient or  
 49 resident in such facility;

(iii) A prescription drug order received verbally from the practitioner by a licensed practical nurse or licensed professional nurse in a licensed ~~health care~~ institutional facility for a patient or resident in such facility may also be sent by facsimile transmission from the ~~health care~~ institutional facility to a licensed pharmacy for dispensing purposes provided the transmitted document includes the name of the prescriber issuing the prescription drug order, the name of the nurse who transcribed the order and the name of the person who sent the facsimile.

(e) In the event that there are no refills remaining on an existing prescription drug order, and the pharmacist requests a new prescription drug order from the practitioner, the practitioner's agent, after obtaining practitioner authorization, may sign and return the request via facsimile so long as:

- (i) The request is generated from the pharmacy;
- (ii) The request is for medication that the patient is currently taking;
- (iii) There are no changes to the type of drug, its strength or directions for the continuation of therapy;
- (iv) The practitioner's agent's transmission is received via facsimile from the practitioner's office; and
- (v) The request, which is subsequently transmitted back to the requesting pharmacy by the practitioner's agent, contains all components of a valid prescription drug order.

(2) It is unlawful for a practitioner to knowingly issue an invalid prescription drug order for a legend drug.

(3) It is unlawful for a pharmacist or veterinarian to knowingly fill an invalid prescription drug order for a legend drug.

SECTION 5. That Section 54-1761, Idaho Code, be, and the same is hereby amended to read as follows:

54-1761. DEFINITIONS. As used in sections 54-1760 through 54-1765, Idaho Code:

(1) "Legend drug" has the same meaning as provided in section 54-1705(301), Idaho Code.

(2) "Medically indigent" means any person who is in need of a legend drug and who is not eligible for medicaid or medicare, who cannot afford private prescription drug insurance or who does not have income and other resources available sufficient to pay for the legend drug.

(3) "Qualifying charitable clinic or center" means a community health center as defined in section 39-3203, Idaho Code, and means a free medical clinic as defined in section 39-7702, Idaho Code, acting in consultation with a pharmacist licensed in the state of Idaho.

SECTION 6. That Section 54-4702, Idaho Code, be, and the same is hereby amended to read as follows:

54-4702. DEFINITIONS. As used in this chapter:

(1) "Acupuncture" means that theory of health care developed from traditional and modern Oriental medical philosophies that employs diagnosis



1 and treatment of conditions of the human body based upon stimulation of spe-  
 2 cific acupuncture points on meridians of the human body for the promotion,  
 3 maintenance, and restoration of health and for the prevention of disease.  
 4 Therapies within the scope of acupuncture include manual, mechanical, ther-  
 5 mal, electrical and electromagnetic treatment of such specific indicated  
 6 points. Adjunctive therapies included in, but not exclusive to, acupuncture  
 7 include herbal and nutritional treatments, therapeutic exercise and other  
 8 therapies based on traditional and modern Oriental medical theory.

9 (2) "Board" means the Idaho state board of acupuncture.

10 (3) "NCCAOM" means "National Certification Commission for Acupuncture  
 11 and Oriental Medicine."

12 (4) "Practice of acupuncture" means the insertion of acupuncture nee-  
 13 dles and use of similar devices and therapies, including application of mox-  
 14 ibustion, to specific indicated points on the skin of the human body as indi-  
 15 cated pursuant to traditional and modern theories of Oriental medicine. The  
 16 "practice of acupuncture" does not include:

17 (a) surgery; or

18 (b) prescribing, dispensing or administering any prescription drug or  
 19 legend drug as defined in section 54-1705(301), Idaho Code.

20 SECTION 7. That Section 54-5110, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 54-5110. NATUROPATHIC MEDICAL FORMULARY COUNCIL ESTABLISHED. There  
 23 is hereby established a naturopathic medical formulary council, which is  
 24 separate and distinct from the board, to be composed of seven (7) members.  
 25 Two (2) members shall be naturopathic physicians licensed under this chap-  
 26 ter, appointed by the board of naturopathic medical examiners. Three (3)  
 27 members shall be pharmacists licensed under chapter 17, title 54, Idaho  
 28 Code, appointed by the board of naturopathic medical examiners from a list  
 29 of nominees provided by the Idaho state board of pharmacy. Two (2) mem-  
 30 bers shall be physicians licensed under chapter 18, title 54, Idaho Code,  
 31 appointed by the board of naturopathic medical examiners from a list of  
 32 nominees provided by the Idaho state board of medicine. The initial coun-  
 33 cil shall be appointed as follows: One (1) naturopathic physician shall be  
 34 appointed for a one (1) year term; one (1) physician licensed under chapter  
 35 18, title 54, Idaho Code, and one (1) pharmacist shall be appointed for a two  
 36 (2) year term; and two (2) pharmacists, one (1) naturopathic physician and  
 37 one (1) physician licensed under chapter 18, title 54, Idaho Code, shall be  
 38 appointed for a three (3) year term. Thereafter, the term of office shall  
 39 be three (3) years. A quorum shall consist of five (5) members and shall be  
 40 required for any vote to be taken. It shall be the duty of the naturopathic  
 41 medical formulary council to establish a formulary for use by naturopathic  
 42 physicians, and immediately upon adoption or revision of the formulary,  
 43 the council shall transmit the approved formulary to the board, which shall  
 44 adopt the formulary by temporary rule. The formulary will be reviewed annu-  
 45 ally by the council, or at any time at the request of the board. The formulary  
 46 list may not go beyond the scope of prescription medicines and medical de-  
 47 vices covered by approved naturopathic medical education and training and  
 48 existing naturopathic medical formularies, or board-approved continuing  
 49 education. The naturopathic medical formulary shall not include medicines

1 and devices that are inconsistent with the training provided by approved  
2 naturopathic medical colleges. Nothing herein shall allow a naturopathic  
3 physician to dispense, administer or prescribe any prescription drug as  
4 defined in section 54-1705(301), Idaho Code, or medical device unless such  
5 prescription drug or medical device is specifically included in the naturo-  
6 pathic medical formulary.